

2002

## American Bush v. South Salt Lake : Unknown

Utah Supreme Court

Follow this and additional works at: [https://digitalcommons.law.byu.edu/byu\\_sc2](https://digitalcommons.law.byu.edu/byu_sc2)



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

unknown.

unknown.

---

### Recommended Citation

Legal Brief, *American Bush v. South Salt Lake*, No. 20020117.00 (Utah Supreme Court, 2002).  
[https://digitalcommons.law.byu.edu/byu\\_sc2/2107](https://digitalcommons.law.byu.edu/byu_sc2/2107)

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at [http://digitalcommons.law.byu.edu/utah\\_court\\_briefs/policies.html](http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html). Please contact the Repository Manager at [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu) with questions or feedback.

Dave Carlson  
City Attorney



The City of South Salt Lake  
220 East Morris Ave. SSLC, UT 84115  
(801) 483.6070 Fax (801) 464.6791



**FILED**  
UTAH SUPREME COURT

JAN 16 2003

January 10, 2003

**PAT BARTHOLOMEW**  
CLERK OF THE COURT

Ms. Pat H. Bartholomew  
Utah Supreme Court Clerk  
P.O. Box 140210  
Salt Lake City, Utah 84114

RE: American Bush, et al. v. South Salt Lake  
Appeal No. 20020118C

*20020117*

Dear Mr. Fisher:

This letter is in response to Mr. McCullough's letter of December 5, 2002, submitted as supplemental authority pursuant to Rule 24(i). Mr. McCullough states that the convictions in City of South Salt Lake v. Terkelson, 2002 UT App 405 (Utah App., November 29, 2002), were reversed and; therefore, have no evidentiary value for determining that sexually oriented businesses lead to undesirable secondary effects.

The issue in Terkelson was whether the defendant's due process rights were violated because of an alleged change in the interpretation of the City's ordinance. Mr. McCullough neglects to mention that the Court of Appeals determined that the record below was inadequate for it to make a determination on this issue and remanded the case for further findings. The Court of Appeals made no findings regarding the constitutionality of the statute or whether there are secondary effects related to sexually oriented businesses.

Sincerely,

Janice L. Frost  
Deputy City Attorney

cc: Andrew McCullough  
Scott Bergthold